

**Appl. No.** : **10/017,920**  
**Filed** : **December 11, 2001**

### **REMARKS**

In response to the Office Action mailed September 24, 2004, Applicant respectfully requests the Examiner to reconsider the above-captioned patent application in view of the foregoing amendments and the following comments. As a result of the amendments listed above, Claims 2-6, 8-11, 20-21, 23-28 and 30-31 remain pending. Claims 1, 7, 15-17, 19, 22 and 29 have been cancelled without prejudice or disclaimer, and Claims 2-5, 8-10, 20-21, 23 and 30 have been amended.

In the Office Action mailed September 24, 2004, the Examiner disposed of the claims as follows:

CLAIM NOS.	DISPOSITION/REJECTION		
	BASIS	PRIMARY REFERENCE	SECONDARY REFERENCE(S)
1, 4, 7, 9, 15-17, 20-23, 26, 28	102(e)	Weinschenk, US 6,599,317	n/a
2, 5, 8, 10, 24, 27	103(a)	Weinschenk, US 6,599,317	n/a
3, 25	103(a)	Weinschenk, US 6,599,317	Peyman, US 6,277,146
19	112 ¶ 2	n/a	n/a
6, 11	Allowed		
29-31	Objected-to, but allowable if rewritten in independent form		

#### Claims 23-28, 30-31

The Examiner objected to Claims 29-31, but indicated that these claims would be allowable if rewritten in independent form. Applicant has amended Claim 23 to include the limitations of Claim 29, and cancelled Claim 29. Accordingly, Applicant submits that Claim 23 is in condition for allowance, as are Claims 24-28 and 30-31 dependent therefrom.

**Appl. No.** : **10/017,920**  
**Filed** : **December 11, 2001**

Claims 2-6, 8-11, 20-21

The Examiner allowed Claims 6 and 11. Claims 2-5, 8-10 and 20-21 now depend from Claims 6 or 11; accordingly Applicant submits that all of Claims 2-6, 8-11 and 20-21 are in condition for allowance.

All Pending Claims are In Condition for Allowance

In view of the foregoing, and in view of Applicant's cancellation of Claims 1, 7, 15-17, 19, 22 and 29, Applicant respectfully submits that all pending claims (2-6, 8-11, 20-21, 23-28 and 30-31) are in condition for allowance.

Cancelled Claims 1-5, 7-10 and 20-28

Applicant has cancelled Claims 1-5, 7-10 and 20-28 only to expedite issuance of a patent from the present application, and Applicant respectfully does not concede the propriety of the rejection of Claims 1-5, 7-10 and 20-28. For example, the Examiner found that

Weinschenk anticipates the claim language [of Claims 1-5, 7-10 and 20-28] where the anterior portion as claimed is lens portion (14) of Weinschenk, the posterior portion is the combination of lens portions (16) and (18) of Weinschenk, the peripheral portion of [the] posterior viewing element is the portion of element (16) that radially extends outside the periphery of element (18) and element (14). . . .

However, if the claimed posterior viewing element includes Weinschenk's central lens portion 16, the anterior surface 17 of which is coupled to the anterior lens portion 14 throughout the range of motion of the lens portions 14, 18 (see Figs. 2-3; col. 6:64 - col. 7:3), one cannot fairly conclude that the anterior and posterior optics are "separated when in the accommodated state" as recited in cancelled Claim 1, or "separated by a greater distance in the accommodated state than in the unaccommodated state" as recited in cancelled Claim 7 and rejected Claim 23. For at least these reasons, Applicant respectfully submits that the Examiner's rejection of Claims 1-5, 7-10 and 20-28 was improper, notwithstanding Applicant's cancellation or amendment of these claims herein. The Assignee therefore reserves the right to pursue these rejected/amended claims in a continuation or other descendant of the present application and/or in a continuation or other descendant of any of the Assignee's co-pending applications (including nos. 10/020,853; 10/207,708; 10/207,718; 10/207,701; 10/207,717; 10/877,778; 10/017,920; 10/021,797;

**Appl. No.** : **10/017,920**  
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10/877,513; 10/020,002; and 10/987,683) which include disclosure similar to that of the present application.

#### Support for Claim Amendments

In view of the merely formal nature of the claim amendments made herein, Applicant respectfully submits that no discussion of support for the amendments is needed.

#### Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches. Although amendments, deletions and cancellations have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments, deletions and cancellations are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Mark J. Kertz at (949) 721-6318 to resolve such issue(s) promptly.

Appl. No. : 10/017,920  
Filed : December 11, 2001

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

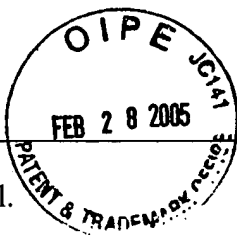
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Feb. 24, 2005

By: Mark Kertz

Mark J. Kertz  
Registration No. 43,711  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

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Applicant : Ting et al.  
Appl. No. : 10/017,920  
Filed : December 11, 2001  
For : OPTIC CONFIGURATION FOR  
INTRAOCULAR LENS SYSTEM  
Examiner : Paul Prebilic  
Group Art Unit : 3738

**NOTICE REGARDING COPENDING APPLICATIONS (COMMONLY OWNED WITH  
THE PRESENT APPLICATION)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Examiner's request in the Office Action mailed September 24, 2004 for identification of all copending applications that set forth subject matter similar to the recited claims, Applicant submits the following list.

<u>Serial No.</u>	<u>Filing Date</u>	<u>Title</u>	<u>Inventors</u>	<u>Attorney Docket No.</u>
10/020,853	12/11/01	Accommodating Intraocular Lens System	Zadno-Azizi, et al.	VGEN.001A
10/207,708	07/25/02	Method of Preparing an Intraocular Lens for Implantation	Zadno-Azizi, et al.	VGEN.001CP1
10/207,718	07/25/02	Single-Piece Accommodating Intraocular Lens System	Zadno-Azizi	VGEN.001CP2
10/207,701	07/25/02	Accommodating Intraocular Lens System With Separation Member	Nguyen	VGEN.001CP3
10/207,717	07/25/02	Materials for Use In Accommodating	Zadno-Azizi, et	VGEN.001CP5

**Appl. No.** : 10/017,920  
**Filed** : December 11, 2001

**Docket No.** VGEN.005A  
**Customer No.** 20,995

		Intraocular Lens System	al.	
10/877,778	06/25/04	Distending Portion for Intraocular Lens System	Zadno-Azizi, et al.	VGEN.004C1
10/021,797	12/11/01	Materials for Use in Intraocular Lens System	Zadno-Azizi, et al.	VGEN.006A
10/877,513	06/25/04	Hydraulic Configuration for Intraocular Lens System	Nguyen, et al.	VGEN.008C1
10/020,002	12/11/01	Method of Implanting an Intraocular Lens System	Zadno-Azizi, et al.	VGEN.010A
10/987,683	11/12/04	Method of Implanting and Intraocular Lens System	Unknown	VGEN.010C1

### Claims

In the Office Action mailed September 24, 2004, the Examiner requested copies of the claims of these co-pending applications. However, in view of the anticipated lapse of time between the submission of this paper and the Examiner's consideration thereof, Applicant has not submitted herewith copies of the currently-pending claims of the copending applications listed herein. Notwithstanding the Examiner's request, Applicant respectfully submits that a more accurate review of the claims can be facilitated by obtaining current claim sets from the USPTO's electronic file system. Accordingly, Applicant respectfully requests the Examiner to obtain the current claims of the listed copending applications from the USPTO's electronic records. Nonetheless, Applicant will submit copies of the claims, should the Examiner require such submission.

Appl. No. : 10/017,920  
Filed : December 11, 2001

Docket No. VGEN.005A  
Customer No. 20,995

**COMMONLY OWNED PATENTS**

The following commonly owned issued patents set forth subject matter similar to the recited claims:

6,761,737

6,764,511

6,786,934

6,818,158

6,846,326

6,858,040

Respectfully submitted,  
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Feb. 24, 2005

By: Mark Kertz  
Mark J. Kertz  
Registration No. 43,711  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

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